

Commissioner for Patents  
Washington, DC 20231  
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| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-------------|-----------------------|------------------------|
| 09/880,951         |             | Guennadi Eremin       |                        |

Ms. Shannon K. Reeser  
Varieties International  
P.O. Box 753  
Lafayette, OR 97127

**CONFIRMATION NO. 6006**  
**ABANDONMENT/TERMINATION**  
**LETTER**



\*OC000000009410492\*

Date Mailed: 01/22/2003

**NOTICE OF TERMINATION OF PROCEEDINGS UNDER 37 CFR 1.53(e)**

Proceedings on the above-identified application number are **TERMINATED**.

The application did not meet the requirements of 37 CFR 1.53(b), (c), or (d) to be entitled to a filing date, and the filing error(s) specified in the Notice mailed on 08/16/2001 were not timely corrected (37 CFR 1.53(e)).

The \$ 320 fee submitted with the application, less a \$130.00 handling fee, will be refunded or credited to your deposit account.

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*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, DC 2023

January 22, 2003

Ms. Shannon K. Reeser  
Varieties International  
P. O. Box 753  
Lafayette, OR 97127

In re application of:  
Guennadi Eremin  
Serial No.: 09/880951  
Filed: June 15, 2001

For: Prunus Plant named 'VSV-1'

This is a decision on the documents received January 11, 2002, to complete the above-identified application.

The above-identified application become abandoned for failure to reply within meaning of 37 CFR 1.53(b), (c), or (d) in a timely manner to The Notice of Incomplete Nonprovisional Application mailed August 16, 2001. Which set a shortened statutory period of two (2) months to reply to the notice. No extensions of time can be obtained to continue the time for responding to the Notice of Incomplete Nonprovisional Application.

On January 11, 2002 the office received a late incomplete response to Notice of Incomplete Nonprovisional Application mailed August 16, 2001

This application is ABANDONED.

Enclosed is a copy of the abandonment notice mailed January 22, 2003.

Petitioner(s) may wish to consider filing a petition to the Commissioner under 37 CFR 1.37(a or (b) requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting that the application be revived on the grounds of unavoidable delay must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing

application in a non provisional application abandoned for failure to prosecute (2) the \$110 petition fee required by 37 CFR 1.17(l) (\$55 if petitioner has

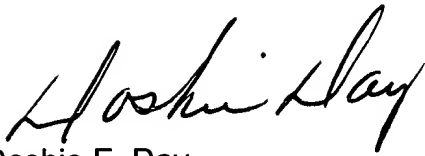
established small entity status); (3) an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

Under 37 CFR 1.137(b), a petition requesting that the application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the \$1210 petition fee required by 37 CFR 1.17(l) (\$605 if petitioner has established small entity status; (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)( in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

The applicant may direct further correspondence regarding this application to:

Box DAC  
Office of Petitions  
Assistant Commissioner for Patents  
Crystal Plaza 4 CP-3C23  
South Clark Place  
Arlington, VA 2202

A handwritten signature in cursive script, appearing to read "Doshie E. Day".

Doshie E. Day  
Program Management Assistant  
Office Initial Patent Examination.